

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE
CIVIL APPLICATION NO.2567 OF 2006
in
WRIT PETITION NO. 3416 OF 1992

Government Pleader Petitioner

versus

Sarva Mazdoor Sangh & ors..... Respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 5TH APRIL, 2007

P.C.;

1. The writ petition has been dismissed against the respondent no.4 by an order passed by this court dated 24-1-2003. By the present Civil Application a prayer has been made for restoration of the writ petition to file as against respondent no.4. The learned counsel for the respondent has no objection for restoration of the petition against respondent no.4. Hence for the reasons set out in the Civil Application the same is allowed. The impugned order passed by this court on 24-1-2003 is set aside and the petition is restored to file against respondent no.4. C.A. accordingly is disposed of.

2. The present petitioner is Sasoon hospital, Pune which has challenged the order passed by the

Industrial court dated 30-4-1992 in a complaint ULP NO. 579/91. The Industrial court has declared that the present petitioner (Sasoon hospital) have indulged in unfair labour practice as contemplated under items 6 and 9 of Schedule IV of the Act. Hence Industrial court has proceeded to direct the petitioner to cease and desist from engaging in unfair labour practice. The Industrial court has further issued direction to grant permanency to the employees by granting respective pay scales and other benefits flowing therefrom.

3. An affidavit in reply has been filed by the petitioner today i.e. on 5-4-2007. It is stated in the said affidavit that by an interim order dated 3-11-1992 stay was granted. It was however made clear that while making appointment in any of the existing vacancies, claim of 124 workers as indicated in the judgment of the Industrial court shall be considered strictly according to the seniority along with other daily workers as indicated in the seniority list, of which a copy is annexed at Exh.G to the petition. Further directions were also issued and in pursuance of the said directions the petitioners have granted permanency to all the employees/members respondent union which fact is admitted by the learned counsel appearing for the union and workers. As the

petitioner has complied with the order passed by the Industrial court as modified by the interim order passed by this court, the grievance of the employees stand redressed. The learned counsel for the union and the workers candidly stated that now the employees do not have any grievance in regard to implementation of the order passed by the Industrial court.

4. In this view of matter the writ petition is partly allowed. The impugned order dated 31-1-1992 passed by the Industrial court shall stand modified to the extent it is so directed by the interim order dated 31-1-1992 passed by this court. The learned counsel appearing for the respective parties also admits that the order dated 31-1-1992 stands executed. Hence interim order dated 31-1-1992 stands confirmed and made absolute. Writ petition is disposed of accordingly, with no orders as to costs.

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